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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,976	01/23/2001	Sudhendu Rai	D/A0805 (XERZ 200555)	2225
7590	04/02/2004		EXAMINER	
Patrick R. Roche Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue 7th Floor Cleveland, OH 44114-2518			CHAU, MINH H	
			ART UNIT	PAPER NUMBER
			2854	
DATE MAILED: 04/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/767,976	RAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh H Chau	2854	<i>AW</i>

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 and 18-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7 and 17 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: the language "(where  $n$  represents... the print job)" as recited in the parenthesis is considering not part of the claim language. The Examiner suggests the Applicant to remove the parenthesis so that the equation as recited in claim 8 can be more clearly explained by this language. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 8, 9, 11 and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by Mima et al. (US Publication No. 2002/0101604 A1).

**With respect to claim 8**, Mima et al. teach a printing system and a medium for storing instructions for performing a method in a printing environment having equipment for processing print jobs, the method comprising a steps of receiving a selected print job, dividing the selected print data or print job into batches, where a size of each of the batches is selected to substantially optimize a time period it takes for the selected print

job to be fully processed, and processing the batches separately and concurrently to complete processing of the print job, wherein each batch is processed by a subset of the equipment (see Figs. 1-7 and paragraph [0010-0060] of Mima et al.)

**With respect to claim 9**, see paragraph [0018-0019], [0046-0047] and [0056-0060] of Mima et al. that teach the size of each of the batches is based at least in part on the time it takes for the equipment to fully process each batch.

**With respect to claim 11**, see Fig. 2 and paragraph [0039-0044] of Mima et al. that teach the subsets of each equipment that process the batches are mutually exclusive.

**With respect to claim 12**, see paragraph [0012], [0046-0047], [0055-0060] of Mima et al. that teach the size of each of the batches is determined or chosen to fully optimize or the time period it takes the selected print job to be fully processed or to minimize the total time required for complete printing of the print job.

***Allowable Subject Matter***

4. **Claims 1-5, 7 and 17** allowed.
5. **Claim 10** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is an examiner's statement of reasons for allowance:

**Claims 1-5, 7 and 17** have been indicated for allowance because the prior art fails to teach the entire combination of a printing environment having equipment for processing print jobs including the step of determine the total production time which includes the time taken to process the first batch followed by the time to process the subsequent batches by use the equation as recited in claim 1.

**Claim 10** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a medium for storing instructions for performing a method in a printing environment having equipment for processing print jobs including the step of the size of each of the batches is based at least in part on the time it takes for the printing environment to switch from processing a first batch to processing a second batch for each operation that is required to complete the processing of the print job.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

8. Applicant's arguments filed January 02, 2004 have been fully considered but they are not persuasive.

With respect to the rejection of claims 8-9 and 11-12 under 35 U.S.C. § 102(e) as being anticipated by Mima et al., the Applicant has discussed and point out the

differences between the present invention and the applied prior art as recited in the remarks (page 6-8). It is true that there are differences between the present invention and the applied prior art; however, the Applicant is reminded that, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993) and the applied prior art to Mima et al. (US 2002/0101604) does teach a method for processing print jobs in a printing environment including the steps of receiving a selected print job (paragraph [52]), and in response to the print requests type, such as "fast printing", dividing the print job into a plurality of printing jobs or batches so that the size of each of the printing jobs or batches is selected to optimize the time for the selected print job to be fully processed and processing the printing jobs or batches separately and concurrently by subset of the equipment (paragraphs [52-53]), which meet the language as recited in claim 8.

With respect to the rejection of claims 9, 11 and 12, since the Applicant does not provides any separate remarks for these claims, therefore, claims 9, 11 and 12 are stands or fails with the independent claim 8.

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC  
March 24, 2004



Minh Chau  
Patent Examiner